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14 SAMSUNG SDI BRASIL LTDA.,  
SHENZHEN SAMSUNG SDI CO., LTD. and  
15 TIANJIN SAMSUNG SDI CO., LTD.

16 UNITED STATES DISTRICT COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA  
19  
20 SAN FRANCISCO DIVISION

21 IN RE: CATHODE RAY TUBE (CRT)  
22 ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

23 This Document Relates to:

24 *Alfred H. Siegel, as Trustee of the Circuit City*  
25 *Stores, Inc. Liquidating Trust v. Hitachi, Ltd.,*  
*et al.*, No. 11-cv-05502;

26 *CompuCom Systems, Inc. v. Hitachi, Ltd., et*  
27 *al.*, No. 11-cv-06396;

28 *Costco Wholesale Corporation v. Hitachi,*  
*Ltd., et al.*, No. 11-cv-06397;

(CONTINUED ON NEXT PAGE)

**DECLARATION OF HELEN C. ECKERT  
IN SUPPORT OF SDI DEFENDANTS'  
ADMINISTRATIVE MOTION TO SEAL  
DOCUMENTS LODGED IN SUPPORT OF  
MOTION TO EXCLUDE EXPERT  
TESTIMONY OF DR. STEPHAN  
HAGGARD**

1 *Dell Inc. and Dell Products L.P., v. Hitachi,*  
2 *Ltd., et al*, No. 13-cv-02171;

3 *Electrograph Systems, Inc. and Electrograph*  
4 *Technologies Corp., v. Hitachi, Ltd., et al.,*  
5 *No. 11-cv-01656;*

6 *Interbond Corporation of America v. Hitachi,*  
7 *Ltd., et al., No. 11-cv-06275;*

8 *Office Depot, Inc. v. Hitachi Ltd., et al., No.*  
9 *11-cv-06276;*

10 *P.C. Richard & Son Long Island Corp., Marta*  
11 *Coooperative of Am., Inc., ABC Appliance,*  
12 *Inc. v. Hitachi, Ltd., et al., No. 12-cv-02648;*

13 *Schultze Agency Services, LLC, on behalf of*  
14 *Tweeter Opco, LLC and Tweeter Newco, LLC*  
15 *v. Hitachi, Ltd., et al., No. 12-cv-02649;*

16 *Sears, Roebuck and Co. and Kmart Corp. v.*  
17 *Chunghwa Picture Tubes, Ltd., et al., No. 11-*  
18 *cv-05514;*

19 *Target Corp. v. Chunghwa Picture Tubes,*  
20 *Ltd., et al., No. 11-cv-05514;*

21 *Tech Data Corp and Tech Data Product*  
22 *Management, Inc., v. Hitachi, Ltd., et al., No.*  
23 *13-cv-00157;*

24 *ViewSonic Corp. v. Chunghwa Picture Tubes,*  
25 *Ltd., et al., No. 14-02510.*

1 I, Helen C. Eckert, declare as follows:

2 1. I am an associate at the law firm of Sheppard Mullin Richter & Hampton LLP,  
3 counsel of record for Defendants Samsung SDI America, Inc.; Samsung SDI Co., Ltd.; Samsung  
4 SDI (Malaysia) SDN. Bhd.; Samsung SDI Mexico S.A. De C.V.; Samsung SDI Brasil Ltda.;  
5 Shenzhen Samsung SDI Co., Ltd.; and Tianjin Samsung SDI Co., Ltd. (collectively, "SDI"). I  
6 submit this declaration pursuant to Civil Local Rule 79-5(d) to establish that documents or  
7 portions of documents containing "Confidential" and "Highly Confidential" information pursuant  
8 to the Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306) and submitted to the  
9 Court in connection with SDI's Motion to Exclude Expert Testimony of Dr. Stephan Haggard are  
10 sealable. Except for those matters stated on information and belief, about which I am informed  
11 and which I believe to be true, I have personal knowledge of the matters set forth herein and could  
12 and would testify competently to each of them.

13 2. SDI has disclosed or produced to the parties in this action certain documents and  
14 information designated as either "Confidential" or "Highly Confidential" pursuant to the  
15 Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306).

16 3. On December 5, 2014, SDI filed an Administrative Motion to Seal and lodged the  
17 following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d) and (e):

- 18 a. SDI's Notice of Motion and Motion to Exclude Expert Testimony of Dr.  
19 Stephan Haggard ("Daubert Motion"); and  
20 b. Exhibits 1-2 of the Declaration of James L. McGinnis in Support of SDI's  
Daubert Motion ("McGinnis Declaration").

21 4. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of SDI to  
22 provide the basis for the Court to maintain under seal certain documents and information  
23 designated by SDI as "Confidential" or "Highly Confidential" pursuant to the Protective Order,  
24 and all references to those documents and information in the Daubert Motion and exhibits to the  
25 McGinnis Declaration.

26 5. Specifically, SDI requests the following documents and excerpts of documents to  
27 be maintained under seal: (a) Exhibit 1 to the McGinnis Declaration (the April 15, 2014 expert  
28 report of Dr. Stephan Haggard, the Direct Action Plaintiffs' expert witness); (b) Exhibit 2 to the

1 McGinnis Declaration (excerpts from the July 10, 2014 deposition of Dr. Stephan Haggard); and  
2 (d) SDI's Daubert Motion.

3         6.         Exhibit 1 to the McGinnis Declaration is the April 15, 2014 expert report of Dr.  
4 Stephan Haggard, the Direct Action Plaintiffs' expert witness ("Haggard Report"). The entirety of  
5 the Haggard Report has been designated "Highly Confidential" under the Protective Order. The  
6 Haggard Report reflects, contains or refers to confidential information concerning SDI's business  
7 practices, corporate structure and governance, component cost information, sales strategy,  
8 customer relationships, production networks, and employment histories of top personnel. I am  
9 informed and believe that public disclosure of this sensitive information presents a risk of  
10 undermining SDI's business relationships, causing SDI harm with respect to its competitors and  
11 customers, and/or competitively disadvantaging SDI.

12         7.         The Haggard Report also reflects, contains or refers to materials produced in this  
13 action which SDI designated "Confidential" or "Highly Confidential," including excerpts from the  
14 transcript of the deposition of Jae In Lee, whom SDI designated as a Fed. R. Civ. P. 30(b)(6)  
15 witness. SDI designated these excerpts of the deposition transcript "Highly Confidential" under  
16 the Protective Order. These excerpts contain, cite and/or identify confidential information  
17 concerning SDI's business practices, sales strategies and sales volume to specific customers,  
18 customer relationships, and CRT component cost information. I am informed and believe that  
19 SDI treats such information as highly confidential and has taken reasonable measures to safeguard  
20 it from disclosure outside the company. I am informed and believe that public disclosure of this  
21 highly sensitive information presents a risk of undermining SDI's business relationships, causing  
22 SDI harm with respect to its competitors and customers, and/or competitively disadvantaging SDI.  
23 The Court previously sealed excerpts from this deposition when they were submitted as exhibits to  
24 the Declaration of Eva W. Cole in Support of Defendants' Opposition to Motion of Indirect-  
25 Purchaser Plaintiffs for Class Certification and Motion to Strike (Dkt. No. 1512) and the  
26 Declaration of Mona Solouki in Support of Defendants' Opposition to Direct Purchaser Plaintiffs'  
27 Motion for Class Certification (Dkt. No. 1946).

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1           8.       The Haggard Report also reflects, contains or refers to SDI's Responses to Dell  
2 Plaintiffs' Second Set of Requests for Admissions ("SDI's RFA Responses"), designated by SDI  
3 as "Confidential" under the Protective Order. SDI's RFA Responses include confidential,  
4 nonpublic, and sensitive business information about SDI's management structure, as well as the  
5 nonpublic employment histories of certain individuals at SDI. I am informed and believe that this  
6 is sensitive information, and public disclosure of this information presents a risk of undermining  
7 SDI's business relationships, causing SDI harm with respect to its competitors and customers,  
8 and/or competitively disadvantaging SDI. SDI has also previously moved to seal Exhibit 1  
9 pursuant to SDI's Motion for Partial Summary Judgment for Lack of Standing as to Direct Action  
10 Plaintiffs' Sherman Act Damage Claims Based on CRT Product Purchases from Samsung  
11 Electronics, filed November 7, 2014 (Dkt. No. 2980). Accordingly, Exhibit 1 should be  
12 maintained under seal.

13           9.       Exhibit 2 to the McGinnis Declaration contains excerpts from the July 10, 2014  
14 deposition of Dr. Stephan Haggard. SDI designated these excerpts of the deposition transcript  
15 "Highly Confidential" under the Protective Order. These excerpts identify sensitive information  
16 concerning SDI's business practices, strategies, corporate structure, corporate governance, and  
17 customer relationships. They also identify sensitive information concerning Dr. Haggard's  
18 methodology in analyzing purported corporate relationships between SDI, Samsung Electronics  
19 Co., Ltd., and the "Samsung Group." I am informed and believe that public disclosure of this  
20 sensitive and confidential information would present a risk of undermining SDI's business  
21 relationships, causing SDI harm with respect to its competitors and customers, and/or  
22 competitively disadvantaging SDI. SDI has also previously moved to seal Exhibit 2 pursuant to  
23 SDI's Motion for Partial Summary Judgment for Lack of Standing as to Direct Action Plaintiffs'  
24 Sherman Act Damage Claims Based on CRT Product Purchases from Samsung Electronics, filed  
25 November 7, 2014 (Dkt. No. 2980). Accordingly, Exhibit 2 should be maintained under seal.

26           10.      SDI's Daubert Motion reflects, contains or refers to documents or information  
27 designated as "Confidential" or "Highly Confidential" by SDI pursuant to the Protective Order,  
28 including Exhibits 1-2 of the McGinnis Declaration. As with the exhibits themselves, I

1 understand that SDI considers any statements in the Daubert Motion purporting to summarize the  
2 exhibits or any other documents or information designated as “Confidential” or “Highly  
3 Confidential” by SDI to be confidential and proprietary, and that public disclosure of such  
4 information presents a risk of undermining SDI’s business relationships, causing SDI harm with  
5 respect to its competitors and customers, and/or competitively disadvantaging SDI. Accordingly,  
6 SDI’s Daubert Motion should be maintained under seal.

7 11. In addition, the documents lodged under seal reflect, contain or refer to documents  
8 or information designated as “Confidential” or “Highly Confidential” by parties other than SDI,  
9 including but not limited to the following:

- 10 a. Exhibit 1 to the McGinnis Declaration reflects, contains or refers to  
11 documents or information designated as “Confidential” or “Highly  
12 Confidential” by Direct Action Plaintiffs and third party Samsung  
13 Electronics Co., Ltd.
- 14 b. SDI’s Daubert Motion reflects, contains or refers to documents or  
15 information designated as “Confidential” or “Highly Confidential” by  
16 Direct Action Plaintiffs and third party Samsung Electronics Co., Ltd.,  
17 including but not limited to Exhibit 1 to the McGinnis Declaration.

18  
19 I declare under penalty of perjury under the laws of the United States of America  
20 that the foregoing is true and correct.

21 Executed this 5th day of December 2014 in Los Angeles, California.

22  
23 */s/ Helen C. Eckert*

24 Helen C. Eckert